IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 130 OF 2006
IN
WRIT PETITION NO. 7831 OF 2006
(AURANGABAD BENCH)

Suryakant s/o Narayanlal Khandelwal ...Applicant

Versus

State of Maharashtra and others ... Respondents

Mr. P.G. Godhamgaonkar, instructed by Mr. V.N. Tayade, for the applicant.

Mr. P.I. Khemani, Assistant Government Pleader, for the State.

CORAM: **H.S. BEDI, C.J.**

DATE: **DECEMBER 22, 2006**.

P.C.

This application has been filed for seeking transfer of the case from one Bench to another. Allegations have been set out in paragraph 9 of the application against one of the Judges and it has been pointed out that in the face of these remarks, the petitioner was of the opinion that he would not be able to get justice from the Bench. To my mind, the facts as given in paragraph 9 of the application do not justify such a conclusion or a transfer of the case. Even assuming for

a moment that certain improper remarks have been made by one of the Judges, that would not by itself indicate that the petitioner would not get justice from the Bench of two Judges, more particularly when there is no allegation whatsoever against the second Judge. It must be borne in mind that the sanctity of the judicial process has to be maintained and if a disgruntled or unhappy litigant is allowed to move applications for transfer on such grounds, no Court would perhaps be safe. This application is accordingly dismissed.

CHIEF JUSTICE